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May 28, 2020

VIA ECF

Honorable P. Kevin Castel
United States District Court Judge
Southern District of New York
United States District Court
500 Pearl Street
Room 15C
New York, NY 10007

**Re: Angela Clair *et al.* v. Peter Thomas Roth Labs LLC *et al.*
S.D.N.Y. Case No. 1:20-cv-01220-PKC**

Dear Judge Castel:

The above-referenced action concerns false advertising allegations brought by three women represented by California-based, Gutride Safier LLP, that claim that certain cosmetic products marketed and sold by Manhattan-based Peter Thomas Roth Labs LLC (“PTR Labs”) did not work as expected. Plaintiffs filed a Complaint (ECF No. 1) on February 12, 2020 naming PTR Labs, as well as Peter Thomas Roth Global, LLC, Peter Thomas Roth, LLC, June Jacobs Labs, LLC and June Jacobs Laboratories, LLC, as Defendants. On April 7, 2020, the Court entered an Order extending the date for these entities to respond to the Complaint to June 13, 2020 and adjourning the parties’ initial conference to June 29, 2020 at 2:00 PM (ECF No. 18). On May 5, 2020, Plaintiffs filed a First Amended Complaint (“FAC”) adding two additional Defendants – Sephora USA, Inc. and Mr. Peter Thomas Roth – and numerous new allegations. We represent all named Defendants.

Under Rule 15 of the Federal Rules of Civil Procedure, which states that “[u]nless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later,” the current deadline for the four originally-named Defendants is June 13, 2020 pursuant to the Court’s April 7 Order (ECF No. 18). We understand that Sephora USA, Inc. was served with the FAC on May 12, 2020 and thus its deadline to respond is June 2, 2020. Today we agreed to accept service of the summons and FAC on Mr. Roth and thus his deadline to respond is June 18, 2020.

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Notwithstanding that Defendants reserve all rights and arguments available to them in responding to the Complaint, we write to respectfully request an extension of time, until August 7, 2020 for all seven Defendants to answer or otherwise respond to the FAC. This request for an extension of time is being made to establish a future uniform response date for all seven entities and because (i) two Defendants were only recently served with the FAC, (ii) all Defendants continue to experience significant ongoing business interruptions and complications as a result of the COVID-19 pandemic, and (iii) the newly-added allegations against Sephora USA, Inc. and Mr. Roth require additional time for investigation and the preparation of a response, particularly in light of the difficulties imposed by COVID-19 in New York state. This is Defendants' first request for an extension in connection with the Amended Complaint and second request for an extension in the case. Plaintiffs' counsel has informed us that Plaintiffs do not oppose Defendants' request to extend Defendants' response deadline to August 7, 2020.

In accordance with Paragraph 1.B of the "Individual Practices of Judge P. Kevin Castel," Defendants also respectfully request that the Initial Pretrial Conference set for June 29, 2020 be continued to a date that is convenient for the Court, which is at least 14 days following Defendants' deadline to respond to the FAC, and that the deadlines to submit a joint letter regarding the case and a proposed Case Management Plan (as provided in ECF Nos. 13-14) be moved accordingly. No Case Management Plan or Scheduling Order has been issued in this case.

We thank the Court for its attention to this matter.

Respectfully Submitted,

/s/ Brad M. Scheller

Brad M. Scheller

Cc: All counsel of record (via ECF)

Time to answer for all defendants is extended to August 7, 2020. The June 29, 2020 conference is adjourned to September 3, 2020 at 11:00 a.m.

SO ORDERED.

Dated: 5/29/2020

A handwritten signature in black ink, appearing to read 'P. Kevin Castel', written over a horizontal line.
P. Kevin Castel
United States District Judge